

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTER DIVISION
No. 5:09-CR-80-BO

RANDOLPH LEE McNEILL,)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
 Respondent.)

ORDER

This matter is before the Court on petitioner's motion for a docket sheet. [DE 110]. The government has responded, and the motion is ripe for disposition. For the reasons stated herein, petitioner's motion is denied.

BACKGROUND

On September 2, 2009, petitioner was convicted of possession of a weapon by a felon. [DE 54]. On January 20, 2010, the Court sentenced petitioner to a total of 180 months' imprisonment and 3 years' supervised release. [DE 69]. On March 24, 2011, the district court judgment was affirmed by the United States Fourth Circuit Court of Appeals. [DE 77]. Petitioner filed a motion under 28 U.S.C. § 2255 on June 4, 2012, [DE 79], which was denied on September 28, 2012. [DE 93].

On November 9, 2015, petitioner submitted a letter to the United States Clerk's Office requesting a copy of his motion to vacate. [DE. 94]. On November 23, 2015, petitioner filed a motion requesting copies of his § 2255 motion and corresponding order. [DE 97]. On January 28, 2016, the district court ordered the clerk to provide petitioner with a certified copy of the court's order and judgment and denied petitioner's request for a copy of him § 2255 motion. [DE 104]. On September 16, 2016, petitioner filed the instant motion for a copy of the docket sheet "to able the petitioner to ORDER the proper document(s)." [DE 110].


DISCUSSION

“[T]he Fourth Circuit requires indigent defendants to show a ‘particularized need’” for requested documents. *United States v. Holloman*, 2013 U.S. Dist. LEXIS 99748, *4 (E.D.N.C. Jul. 17, 2013); *Jones v. Superintendant, Va. State Farm*, 460 F.2d 150, 152–53 (4th Cir. 1972). An indigent defendant is not entitled to a transcript at government expense in order to “merely [] comb the record in the hope of discovering some flaw.” *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963). Petitioner is not entitled to a copy of the docket sheet, absent a showing of what he believes appears in the document that he requires. In this matter, petitioner has not provided any justification at all to receive the requested items, and therefore has not demonstrated a need for copy of the docket sheet.

CONCLUSION

Accordingly, for the foregoing reasons, petitioner’s motion is DENIED. [DE 110].

SO ORDERED, this 20 day of April, 2017.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE